

(Mr. PADILLA) was added as a cosponsor of amendment No. 2455 intended to be proposed to H.R. 3684, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

#### AMENDMENT NO. 2460

At the request of Mr. LUJÁN, the names of the Senator from Oregon (Mr. WYDEN), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Massachusetts (Ms. WARREN) were added as cosponsors of amendment No. 2460 intended to be proposed to H.R. 3684, a bill to authorize funds for Federal-aid highways, highway safety programs, and transit programs, and for other purposes.

### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTION

By Mr. DURBIN (for himself and Mr. CORNYN):

S. 2598. A bill to amend title 11, United States Code, to improve the treatment of student loans in bankruptcy, and for other purposes; to the Committee on the Judiciary.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 2598

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Fostering Responsible Education Starts with Helping Students Through Accountability, Relief, and Taxpayer Protection Through Bankruptcy Act of 2021” or the “FRESH START Through Bankruptcy Act”.

#### SEC. 2. EXCEPTIONS TO DISCHARGE.

Section 523(a) of title 11, United States code, is amended by striking paragraph (8) and inserting the following:

“(8) for an educational benefit overpayment or loan made, insured, or guaranteed by a governmental unit, or made under any program funded in whole or in part by a governmental unit or nonprofit institution, or for an obligation to repay funds received as an educational benefit, scholarship, or stipend received from a governmental unit or nonprofit institution, unless—

“(A) excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor’s dependents; or

“(B) the first payment on such debt became due before the 10-year period (exclusive of any applicable suspension of the repayment period) ending on the date of the filing of the petition;

“(8A) unless excepting such debt from discharge under this paragraph would impose an undue hardship on the debtor and the debtor’s dependents, for—

“(A) an obligation to repay funds received as an educational benefit, scholarship, or stipend, other than an obligation described in paragraph (8); or

“(B) any educational loan, other than a loan described in paragraph (8), that is a qualified education loan, as defined in section 221(d)(1) of the Internal Revenue Code of 1986, incurred by a debtor who is an individual;”.

#### SEC. 3. EFFECT OF DISCHARGE OF CERTAIN STUDENT LOANS.

Section 524 of title 11, United States Code, is amended by adding at the end the following:

“(n)(1) In this subsection:

“(A) The term ‘cohort repayment rate’, with respect to a covered institution of higher education, means the percentage of student borrowers who are making at least some progress paying down their student loans within 3 years of entering repayment.

“(B) The term ‘covered institution of higher education’ means an institution of higher education (as defined in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002)) that—

“(i) is a participant in the Federal Direct Loan Program under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.); and

“(ii) has an enrollment of students that is not less than 33 percent students who have received a loan made, insured, or guaranteed under title IV of the Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

“(C) The term ‘covered student loan’ means the original principal of a loan—

“(i) the first payment on which became due before the 10-year period (exclusive of any applicable suspension of the repayment period) ending on the date of the filing of the petition; and

“(ii) used by the debtor to make a payment to a covered institution of higher education on behalf of the debtor for the purpose of attaining an educational benefit.

“(D) The term ‘Federal Direct PLUS Loan’ means a Federal Direct PLUS Loan under part D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1087a et seq.).

“(2) If a covered student loan is discharged in a bankruptcy case under this title, the covered institution of higher education to which the debtor of the bankruptcy case made a payment with the covered student loan shall pay to the Department of Education an amount determined in accordance with the following:

“(A) An amount equal to 50 percent of the amount of the covered student loan that is discharged, if the covered institution of higher education, on the date on which the first payment on the covered student loan became due—

“(i) had a cohort default rate (as determined under section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)) for each of the 3 fiscal years preceding that date that was equal to or more than 25 percent; and

“(ii) had a cohort repayment rate—

“(I) except for borrowers described in subclause (II), that was equal to or less than 20 percent; and

“(II) with respect to borrowers who were graduate or professional students who received a Federal Direct PLUS Loan for enrollment at the institution, that was equal to or less than 35 percent.

“(B) An amount equal to 30 percent of the amount of the covered student loan that is discharged, if the covered institution of higher education, on the date on which the first payment on the covered student loan became due—

“(i) had a cohort default rate (as determined under section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)) for each of the 3 fiscal years preceding that date that was equal to or more than 20 percent and less than 25 percent; and

“(ii) had a cohort repayment rate—

“(I) except for borrowers described in subclause (II), that was equal to or less than 25 percent and more than 20 percent; and

“(II) with respect to borrowers who were graduate or professional students who re-

ceived a Federal Direct PLUS Loan for enrollment at the institution, that was equal to or less than 40 percent and more than 35 percent.

“(C) An amount equal to 20 percent of the amount of the covered student loan that is discharged, if the covered institution of higher education, on the date on which the first payment on the covered student loan became due—

“(i) had a cohort default rate (as determined under section 435(m) of the Higher Education Act of 1965 (20 U.S.C. 1085(m)) for each of the 3 fiscal years preceding that date that was equal to or more than 15 percent and less than 20 percent; and

“(ii) had a cohort repayment rate—

“(I) except for borrowers described in subclause (II), that was equal to or less than 30 percent and more than 25 percent; and

“(II) with respect to borrowers who were graduate or professional students who received a Federal Direct PLUS Loan for enrollment at the institution, that was equal to or less than 45 percent and more than 40 percent.”.

#### SEC. 4. EFFECTIVE DATE; APPLICABILITY.

This Act and the amendments made by this Act shall—

(1) take effect on the date that is 180 days after the date of enactment of this Act; and

(2) apply to a petition filed or amended under this title on or after the effective date under paragraph (1) with respect to a debt for an educational benefit, overpayment, loan, scholarship, or stipend of a debtor.

### SUBMITTED RESOLUTIONS

SENATE RESOLUTION 336—DESIGNATING SEPTEMBER 15, 2021, AS “INTERNATIONAL MYOTONIC DYSTROPHY AWARENESS DAY” AND SUPPORTING THE GOALS AND IDEALS OF INTERNATIONAL MYOTONIC DYSTROPHY AWARENESS DAY

Mr. KAINE (for himself and Ms. KLOBUCHAR) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 336

Whereas myotonic dystrophy is a rare, multi-systemic, inherited disease that affects approximately 1 in 2,100 people and a total of 150,000 individuals in the United States;

Whereas there are well over 1,000,000 people living with myotonic dystrophy globally, yet thousands of people do not know they have the disease and are in need of care;

Whereas myotonic dystrophy is the most common form of adult muscular dystrophy and the symptoms of myotonic dystrophy become more severe with each generation;

Whereas the disease is caused by mutations in the DMPK gene and the CNBP gene, resulting in myotonic dystrophy type 1 and myotonic dystrophy type 2, respectively;

Whereas those mutations prevent the DMPK gene and the CNBP gene from functioning properly, impacting multiple body systems;

Whereas the genetic mutations are autosomal dominant mutations, where a single copy of the altered gene is sufficient to cause the disorder, and affected individuals have a 50 percent chance of passing on the mutated gene to their children;

Whereas, through this inherited genetic anomaly, individuals with myotonic dystrophy experience varied and complex symptoms, including skeletal muscle problems,